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7 **UNITED STATES BANKRUPTCY COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN JOSE DIVISION**

10 In re:

11 Y. ROGER YU,

12 Debtor.

Case No. 23-50023 MEH
Chapter 7

**DECLARATION OF BEN YU IN
SUPPORT OF OPPOSITION TO
MOTION FOR RELIEF FROM STAY**

Date: February 16, 2023

Time: 2:30 p.m.

Place: Either in person at 280 S. 1st St.,
Courtroom 11, San Jose, CA 95113 OR by
Tele / Video Conference

Judge: Honorable M. Elaine Hammond

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20 I, Ben Yu, am the Debtor's relative in the instant case. I have personal knowledge of the
21 information contained herein and, if called upon to testify, could and would do so competently. I
22 hereby declare as follows:

- 23
24 1. I live at 115 College Ave., Mountain view, CA 94040 (my "home"). I am a 50% owner.
25 Roger Yu, my relative, the Debtor in this bankruptcy case, owns the other 50%. Only
26 Roger is on the mortgages. I work as an uber driver full time.
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Case No. 23-50023 MEH

DECLARATION OF BEN YU IN SUPPORT OF
OPPOSITION TO MOTION FOR RELIEF FROM
STAY

- 1 2. During the pandemic stay-at-home orders in 2020, Roger was heavily into trading
2 cryptocurrency. He took out a second mortgage on my home with Douglas Sykes. By
3 2022, the crypto market had crashed and as a result, Roger lost all of his life savings.
- 4 3. Roger went into a deep depression after losing all of his own and his investors' monies.
5 This money included Douglas Sykes' loans. When my home was hit with the Notice of
6 Trustee's Sale ("NTS") by Douglas Sykes in October of 2022, I panicked and filed a
7 lawsuit to stop the foreclosure / attempted foreclosure of my home researching who to
8 stop foreclosures on google.
- 9 4. The case I filed is identified as Santa Clara Superior Court Case number 22CV404291
10 and is titled Ben Yu v. Entra Default Solutions, LLC. (Entra being the foreclosure
11 trustee.) It was filed on October 10, 2022.
- 12 5. My Complaint alleged that:
- 13 A. I had never received the NOD as a co-owner;
- 14 B. the foreclosure trustee Entra Default Solutions, LLC was not a party to the
15 subject deed of trust; that he did not know who they were and, therefore, they should not
16 be able to foreclose;
- 17 C. I did not borrow any money from the Movant so how can they foreclosure on
18 my home; and
- 19 D. I sued the foreclosure trustee (Entra Default Solutions, LLC) and not the right
20 party who actually foreclosing on the Property-i.e., Douglas Sykes. Without counsel to
21 advise me, these legal arguments failed miserably as I have no legal background or
22 training.
- 23 6. I continued the case in Pro Per, sought a temporary restraining order to stop the
24 foreclosure. That TRO was denied based on a lack of proof of service and adherence to
25 local Ex Parte rules.
- 26 7. After not being successful at my State Court Lawsuit, I filed a bankruptcy to invoke the
27 stay and stop Douglas Sykes from taking my home.
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- 1 8. Having failed miserably at my short-lived state court endeavors because I had no idea
2 what I was doing, on October 26, 2022, I filed a skeletal, Chapter 13 bankruptcy under
3 case number 22-50976 SLJ in Pro Per in order to stave off the foreclosure of the
4 Property. I never filed bankruptcy before that case and the case was automatically
5 dismissed two weeks later on November 10, 2022 for a failure to file documents /
6 schedules. I am an uber driver and have no background in the law, and I was so confused
7 I did not even know where to begin to find an attorney for this type of thing.
- 8 9. I filed a second bankruptcy case under case number 22-51110 MEH. This case was also
9 in Pro Per and a skeletal petition. In this case, I also filed an Ex Parte Motion to Extend
10 Time to File Case Opening Documents on December 23, 2023 (Dkt. No. 14) as well as an
11 Ex Parte Motion to Extend the Automatic Stay on January 21, 2023 (Dkt No. 21) citing
12 that I was previously unaware of the court deadlines and that I was trying to find an
13 attorney to help me proceed with the case. Douglas Sykes opposed the extension and
14 asserted that there had not been the necessary 'substantial change in circumstances' to
15 warrant the requested extension of stay. The Court agreed there was no substantial
16 change in my circumstance to warrant an extension because I used the wrong forms and
17 finding an attorney was not a substantial change in circumstance.
- 18 10. I begged Roger to take proactive steps and help stop the foreclosure and save our home --
19 since I had very little knowledge of the loan and the events surrounding it.
- 20 11. Roger finally got involved and filed his first state court lawsuit on January 10, 2023
21 under case number 23CV409727, in Santa Clara Superior Court, in Pro Per after I failed
22 at both my State Court case and bankruptcies.

23 1. I declare under penalty of perjury the foregoing is true and correct.

24 Executed on February 15, 2023, at San Jose, California.

25 /s/ Ben Yu

26 Ben Yu

27 Relative of Debtor

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22 Executed on February 15, 2023, at Mountain View, California.

23 BEN YU
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